

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 588

November 29, 1995, 6:58 p.m.
Page S-17773 Temp. Record

SAFE DRINKING WATER/Final Passage

SUBJECT: Safe Drinking Water Amendments Act of 1995 . . . S. 1316. Final passage, as amended.

ACTION: BILL PASSED, 99-0

SYNOPSIS: As passed, S. 1316, the Safe Drinking Water Amendments Act of 1995, will reauthorize the Safe Drinking Water Act (SDWA) and will authorize \$1 billion annually over the 1996-2003 period for the creation of State Revolving Funds for drinking water facilities. Details are provided below.

State Revolving Funds:

- up to \$1 billion annually will be given to the States for water treatment facilities; States will select grantees;
- States and cities will provide a 20 percent match for any funds they receive;
- up to 4 percent of each State's grant may be used for administration costs, and up to 10 percent may be used to support source water protection and capacity development programs; and
- public water systems will be denied loans from State Revolving Funds if they do not have trained and certified operators, but loans from those funds will be given for training and certification (States will have the responsibility of determining the appropriate level of training and certification for public water system operators).

Other funds:

- approximately \$90 million annually will be authorized for health effects research (with priority given to cryptosporidium, disinfectants and disinfection byproducts, arsenic, and related research on sensitive population groups like children, the elderly, and pregnant women) and for assistance for small communities.

Contaminants:

- the current SDWA requirement that the EPA increase the number of regulated contaminants by 25 every 3 years will be replaced by a requirement that it take action on at least 5 new contaminants every 5 years (such action may be a decision that regulation is not warranted);
- the EPA will have authority to regulate contaminants based on their actual occurrence in drinking water and the risks they pose

(See other side)

YEAS (99)				NAYS (0)		NOT VOTING (0)	
Republican (53 or 100%)		Democrats (46 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Helms	Akaka	Inouye				
Ashcroft	Hutchison	Baucus	Johnston				
Bennett	Inhofe	Biden	Kennedy				
Bond	Jeffords	Bingaman	Kerrey				
Brown	Kassebaum	Boxer	Kerry				
Burns	Kempthorne	Bradley	Kohl				
Campbell	Kyl	Breaux	Lautenberg				
Chafee	Lott	Bryan	Leahy				
Coats	Lugar	Bumpers	Levin				
Cochran	Mack	Byrd	Lieberman				
Cohen	McCain	Conrad	Mikulski				
Coverdell	McConnell	Daschle	Moseley-Braun				
Craig	Murkowski	Dodd	Moynihan				
D'Amato	Nickles	Dorgan	Murray				
DeWine	Pressler	Exon	Nunn				
Dole	Roth	Feingold	Pell				
Domenici	Santorum	Feinstein	Pryor				
Faircloth	Shelby	Ford	Reid				
Frist	Simpson	Glenn	Robb				
Gorton	Smith	Graham	Rockefeller				
Gramm	Snowe	Harkin	Sarbanes				
Grams	Specter	Heflin	Simon				
Grassley	Stevens	Hollings	Wellstone				
Gregg	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

to public health; decisions to regulate will be based on adequate data, peer-reviewed science, and health risk assessments;

- the EPA Administrator will be allowed to set standards at levels other than those that are technologically feasible and affordable to large regional water systems when it makes sense to do so in light of the health risk reduction benefits to be achieved and the costs of compliance;

- the EPA Administrator will be permitted to set maximum contaminant level goals for carcinogens at levels other than zero if doing so will not increase the risk of cancer;

- the EPA Administrator will be permitted to set a standard for a contaminant based on what is affordable for small systems if that contaminant occurs almost exclusively in such systems;

- revised and more reasonable deadlines will be set for regulating arsenic, radon, sulfate, disinfectants, and disinfection byproducts; and

- the EPA will be given emergency authority to regulate contaminants when they pose an urgent threat to public health.

State flexibility:

- States will be the primary enforcers of the SDWA, with an emphasis on compliance-oriented strategies;

- States will tailor monitoring and public notification requirements to circumstances within their States; and

- new authority will be given to the States to grant variances to public water systems serving less than 10,000 people that cannot afford to comply with Federal standards.

Other assistance to small water systems:

- small systems will receive priority funding from the State Revolving Funds;

- loan forgiveness will be available for the poorest communities;

- the EPA will be encouraged to identify and to develop treatment technologies geared to small systems;

- States will be encouraged to develop strategies for helping public water systems gain the financial, managerial, and technical capacity to comply with Federal drinking water requirements, and States will be required to assure that new public water systems have such capacity when operations commence; and

- States will be required to report on those systems with histories of significant noncompliance with Federal regulations.

Source water:

- using Federal funds, States will be required to delineate source water areas for community water systems and to conduct vulnerability assessments for areas considered to be priorities by the State;

- States will be authorized to establish source water quality protection partnerships with upstream stake holders to solve problems of drinking water contamination; and

- the petition program will allow the establishment of voluntary, locally-driven, incentive-based partnerships to address source water problems, thereby avoiding Federal and State involvement in local land-use planning issues.

Miscellaneous:

- Federal immunity from administrative orders or non-criminal fines under the SDWA will be waived;

- the use of lead pipes, pipe-fittings, and fixtures in public water systems will be prohibited; and

- bottled water will have to meet the same Federal standards as tap water.

Those favoring final passage contended:

This bill had broad bipartisan support in the Environment Committee, which approved it by a unanimous vote, and we expect it to have that same degree of support on the Senate floor as well. We all agree that reform of the Safe Drinking Water Act is necessary. Public health protection has been strengthened by the many new standards that have been issued over the past few years, but the pace of standard setting and the costs of new treatment and monitoring requirements have been a strain for water suppliers, especially suppliers for smaller communities. Rigid adherence to uniform national standards are not that costly for huge municipal systems, because they can spread the costs over a large number of customers, but for small systems they are so great that it is increasingly impossible to comply. In many cases, the standards are set at levels that are much stricter than are necessary to protect the public's health. In other cases, the standards are for contaminants that occur in only one or two isolated areas in the country, but still testing is required in every city and hamlet in America for those contaminants. This bill will greatly ease Federal mandates, will provide funding for improvements, and will give the States tremendous authority to design the improvements that work best for them. Key provisions include that the arbitrary Federal requirement to list 25 new contaminants every 3 years will be replaced by a requirement to consider listing at least 5 new contaminants every 5 years, that a revolving fund will be set up for building and improving water systems, and that significant compliance help will be given to small water systems. This bill will fundamentally change the way that the Federal Government approaches this issue. Instead of giving detailed mandates, it will provide funding and expertise. It will work with State and local governments in a cooperative process. We are pleased to vote in favor of final passage.

No arguments were expressed in opposition to final passage.